

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS M. JOHN-CHARLES,

Petitioner,

No. CIV S-05-0175 MCE GGH P

vs.

STATE OF CALIFORNIA, et al.,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 28, 2005, the court recommended that petitioner's request to hold this action in abeyance pending his exhaustion of additional claims be denied.

On June 23, 2006, petitioner filed a motion to amend his petition on grounds that he has now exhausted state court remedies. The motion to amend does not appear to contain all of petitioner's claims. Accordingly, the court will vacate the October 28, 2005, findings and recommendations and direct petitioner to file an amended petition containing all of his claims.

On August 28, 2006, petitioner filed a motion to consolidate. Petitioner requests that his briefing filed in the California Supreme Court be considered in support of his instant petition. Good cause appearing, the court will consider this pleading in support of the amended

1 petition.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The October 28, 2006, findings and recommendations are vacated;

4 2. Petitioner's June 23, 2006, motion to amend is granted; within thirty days of  
5 the date of this order, petitioner shall file an amended petition containing all of his exhausted  
6 claims; following receipt of the amended petition, the court will issue further orders;

7 3. Petitioner's August 28, 2006, motion to consolidate is granted.

8 DATED: 9/19/06

/s/ Gregory G. Hollows

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10 GREGORY G. HOLLOWS  
UNITED STATES DISTRICT JUDGE

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